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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/091,038

03/05/2002

Teemu Puskala

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12/01/2006

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EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,038

Applicant(s)

PUSKALA, TEEMU

Examiner

Meagan Thomasson

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1-4, 7,8,10-12,14,16,19,20,23-27,31-33 and 35, as well as the addition of claims 39-50 and the cancellation of claim 13.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5,7,8,11,12,14-21, and 23-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Eck et al. (US 6,716,103 B1). With respect to claims 1-5, 7, 16 and 31, Eck discloses a portable hand held wireless gaming device in connection with a service provider that communicates through the service provider along with an interactive program, such as a game, and that the means for transmitting a message is address selectable (see columns 1, 2, 9-12, 16, 25-27). The messages can be sent from the host to the plurality of pagers, from pager to pager which is address selectable (address book, gaming center column 12). With respect to the claim limitations of claims 7, 8, and 33 please see column 13 lines 1-40. With respect to claims 11 and 26 please see where the indicator is made available in column 10:65-11:7. With respect to an automatic or automated message, see 15:47-16:7. With respect to claims 13, 14, 28, 29, 36, and 37 where the interactive message is stored in and retrieved from a storage device in the wireless terminal or in the service platform, columns 3-6 disclose the

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memory and memory devices, column 12 discloses that the message may be composed from the paging memory on the paging device and where it is stored depends on if the message comes from the pager device or the platform. With respect to claim 15, voice text, sound, etc. please see column 6, lines 19-24.

With respect to the limitations of claims 39 and 40, specifically that the certain content comprise at least one of an internet web site and a network server providing at least one of an interactive program and streaming audio and/or video, column 27 lines 51-52 discloses that the "system 1201 may also include a modem 1154 or other network interface means for establishing communications over a network 1152 such as the Internet". Further, Eck, column 10 lines 1-20, disclose an application of the communication system pertaining to "internet-based online exploration and quest games".

Column 9, lines 25-60 disclose the following (emphasis added):

Example Operations

A pager-equipped portable game machine may include (but is not limited to) the following features:

a plug-in two-way pager.

sending and receiving of alphanumeric pages,

sending and receiving of e-mail messages,

receive broadcasts such as news broadcasts,

allow playing of pager-compatible games (e.g., network games),

provide real time clock and calendar,

play mini-games,

creation of personal persona and

playing of conventional games.

In accordance with one example, pager cartridge 100 provides a two-way paging device that has the ability to receive messages from other users in the paging system as well as from the paging system operator. The pagers in the system are individually and collectively addressable to and from standard telephones, PC-Internet, facsimile machines and other pagers. Messages from the paging system operator may be sent to all users in the paging system, to certain groups of users in the paging system or to a particular user in the paging system. The system operator messages may be transmitted during off-peak messaging hours (such as night-time) when air time and bandwidth are less of a transmission issue and more cost-effective. The system operator messages may include by way of example, but not limitation, mini-games, special game levels sample games, game tips and hints, system operator information, general game news advertising, and promotional information. Other messages may include e-mail, stock price quotations, sports scores, news updates and customer-requested information (e.g., top movies of the week, top songs of the week).

In addition, column 16 line 41 – column 18, line 4 discloses a predefined message that is player selectable, and may be sent to other wireless terminal users at the discretion of the player. Therefore, the invention disclosed by Eck et al. contains the elements of a wireless terminal, providing means, selecting means, and transmitting means.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 22, 32, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eck et al. (US 6,716,103) as applied to the claims above in view of Jamtgaard et al. (US 6,430,624 B1). Eck discloses all of the instant application as described above. Eck does not specifically state that there are means for assessing the

output capability and means for configuring the message to match the output capability of the other terminal would be taken into consideration. Eck does disclose in Columns 25 and 26 that various types of other wireless technologies can be used. In an analogous information content delivery system, Jamtgaard discloses that it is known to have a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. The system also delivers web-based content, commerce enabling transactions and services to a variety of information appliances and devices without requiring the re-authoring of the content information for display on each of these different devices. Additionally, the system allows the formatted content to be output in and mark-up language and protocol, such as WML, HTML, HDML, XML, etc. and can be optimally formatted for display on the devices according to the input/output format, such as the display screen size parameters of the devices. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the game system of Eck which transmits message to multiple types of other wireless technologies with the known delivery system of Jamtgaard, which discloses content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. One would be motivated to make this combination since Eck teaches that messages may be transferred and used by a plurality of other wireless technologies.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eck et al. (US 6,716,103). Eck does not specifically disclose the wireless device may be

mobile phone or have a specific button to send a message. Instead, Eck discloses in columns 26 and 27 that the present invention may be applied to other wireless technologies such as GSM and WAP, both of which are usually associated with cell phones. With respect to a button to send a message, the use of a send button is inherent to the use of any two way type messaging device, and as such, must be present. With respect to a particular button and/or placement, this would be an obvious matter of choice well within the capabilities of one skilled in the art.

Response to Arguments

Applicant's arguments filed March 4, 2005 have been fully considered but they are not persuasive. Amendments made to the claims do not render the instant application patentable over the prior art for the reasons recited above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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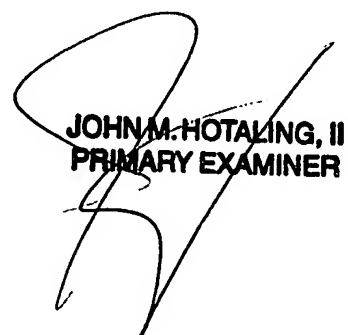
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
November 17, 2006


JOHN M. HOTALING, II
PRIMARY EXAMINER